

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DALE DEBOES,

Plaintiff,

v.

Case No. 12-cv-11814
Honorable Sean F. Cox

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

OPINION AND ORDER
ACCEPTING AND ADOPTING REPORT & RECOMMENDATION

Plaintiff Dale Deboes (“Deboes”) filed this action, pursuant to 42 U.S.C. § 405(g), on April 23, 2012, seeking review of the final decision of Defendant Commissioner of Social Security (“the Commissioner”) that denied Deboes’ applications for disability insurance benefits and supplemental security income. (Docket Entry No. 1; Docket Entry No. 13, at 1.)

On April 24, 2012, the Court referred this action to Magistrate Judge Laurie J. Michelson.

On September 28, 2012, Deboes filed Plaintiff’s Motion for Summary Disposition (hereinafter referred to as “Deboes’ Motion for Summary Judgment”), requesting that this matter be remanded for further development of the record because the “Administrative Law Judge, in his decision, failed to consider the opinion evidence of Plaintiff’s treating physician, Dr. M. Khan, because he was not sure whether Dr. M. Kahn was a physician and exactly what the physician-patient relationship was between the Plaintiff, and Dr. M. Kahn.” (Docket Entry No. 8, at 4–5.) The motion further asserts that a remand is necessary because “the record is inconclusive as it relates to

Plaintiff's functional [and cognitive] capacity" (Docket Entry No. 8, at 5.)

On December 5, 2012, the Commissioner filed Defendant's Motion for Summary Judgment, requesting that the Court grant summary judgment in his favor because the "[t]he administrative record demonstrates that the decision of the Commissioner is supported by substantial evidence" (Docket Entry No. 12, at 1–2.)

On March 28, 2013, Magistrate Judge Michelson filed her Report and Recommendation ("the R&R"), recommending that because "substantial evidence supports the decision of the Commissioner," (1) the Commissioner's Motion for Summary Judgment should be **GRANTED**; (2) Deboes' Motion for Summary Judgment should be **DENIED**; and (3) the decision of the Commissioner should be **AFFIRMED**. (Docket Entry No. 8, at 1.)

Pursuant to FED. R. CIV. P. 72(b), a party objecting to the recommended disposition of a matter by a Magistrate Judge must file objections to the R&R within fourteen (14) days after being served with a copy of the R&R.

The time for filing objections to the R&R has expired and the docket reflects that neither party has filed any objections to the R&R.

The Court finds that the issues have been adequately presented in the parties' briefs and that oral argument would not significantly aid the decision making process. *See* Local Rule 7.1(f)(2), U.S. District Court, Eastern District of Michigan. The Court therefore orders that the motion will be decided on the briefs.

The Court hereby **ADOPTS** the March 28, 2013, R&R. For the reasons mentioned in the R&R, **IT IS ORDERED** that (1) the Commissioner's Motion for Summary Judgment [Docket Entry No. 12] is **GRANTED**; (2) Deboes' Motion for Summary Judgment [Docket Entry 8] is **DENIED**;

and (3) the decision of the Commissioner is **AFFIRMED**.

IT IS SO ORDERED.

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: April 29, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on April 29, 2013, by electronic and/or ordinary mail.

S/Jennifer McCoy

Case Manager